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9 Attorneys for Plaintiff
JPMORGAN CHASE BANK, N.A.

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 JPMorgan Chase Bank, N.A.,
14 Plaintiff,
15 v.
16 Alameda Investments, LLC.
17

Case Nos.:

Case No. 2:09-cv-01154
Case No. 2:08-cv-01714

**NOTICE OF DISMISSAL
WITHOUT PREJUDICE**

19 Plaintiff JPMorgan Chase Bank, N.A., in its capacity as Administrative Agent
20 (“JPMorgan”), respectfully submits this Notice of Dismissal (the “Notice”) as to Defendant
21 Alameda Investments LLC (“Alameda”) pursuant to Federal Rule of Civil Procedure
22 41(a)(1)(A)(i).

Recitals

24 1. WHEREAS on December 5, 2008, JPMorgan (in its capacity as Administrative
25 Agent, on behalf of the Lenders) commenced the “Completion Guaranty Case” against Alameda
26 in the Southern District of New York. The Completion Guaranty Case was ultimately transferred
27 to the United States District Court for the District of Nevada. The Completion Guaranty Case
28 filed against Alameda is captioned *JPMorgan Chase Bank, N.A. v. Alameda Investments, LLC*,

1 Case No. 2:09-cv-01554

2 2. WHEREAS on December 5, 2008, JPMorgan (in its capacity as Administrative
3 Agent, on behalf of the Lenders) also commenced the “UCC Case” in the United States District
4 Court for the District of Nevada (the “UCC Cases”) against Alameda. The UCC Cases filed
5 against Alameda is captioned *JPMorgan Chase Bank, N.A. v. Alameda Investments, LLC*, Case
6 No. 2:08-cv-01714

7 3. WHEREAS the Completion Guaranty Case and the UCC Case were subsequently
8 consolidated for discovery purposes with other similar cases filed against other defendants in a
9 base case entitled *JPMorgan Chase Bank, N.A. v KB Home, et al.*, Case No. 2:08-cv-01711-PMP-
10 RJJ (United States District Court for the District of Nevada).

11 4. WHEREAS on January 9, 2009, Alameda Investments LLC filed a voluntary
12 bankruptcy petition under Chapter 11 of Title 11 of the U.S. Code in the United States
13 Bankruptcy Court for the Central District of California.

14 5. WHEREAS on December 9, 2010, JPMorgan (in its individual capacity as Lender),
15 Credit Agricole Corporate and Investment Bank and Wells Fargo Bank, N.A. (collectively, the
16 “Petitioning Creditors”) filed an involuntary petition under chapter 11 of the United States
17 Bankruptcy Code against South Edge, LLC (“South Edge”), commencing a case entitled *In re:*
18 *South Edge, LLC*, United States Bankruptcy Court for the District of Nevada, Case No. 10-32968-
19 BAM (the “South Edge Bankruptcy Case”), and JPMorgan, in its capacities as Administrative
20 Agent and a creditor, sought the appointment of an interim and permanent chapter 11 trustee.

21 6. WHEREAS on February 3, 2011, the Bankruptcy Court in the South Edge
22 Bankruptcy Case entered an order for relief on the Petitioning Creditors’ involuntary petition, as
23 well as an order directing the appointment of a chapter 11 trustee.

24 7. WHEREAS JPMorgan in its capacity as Administrative Agent, together with the
25 Settling Builders,¹ proposed and filed in the South Edge Bankruptcy Case the Joint Plan of

26 ¹ The Settling Builders are KB Home and KB Home Nevada Inc., Toll Brothers, Inc. and Coleman-Toll Limited
27 Partnership, Beazer Homes USA, Inc. and Beazer Homes Holding Corp., and Weyerhaeuser Real Estate Company
28 and Pardee Homes of Nevada.

1 Reorganization Proposed by JPMorgan Chase Bank, N.A., as Administrative Agent Under the
2 Prepetition Credit Agreement, and the Settling Builders (Amended as of October 21, 2011), ECF
3 No. 1309 (the “Plan”), which Plan was confirmed by order of the Bankruptcy Court dated
4 October 27, 2011, ECF No. 1335]. On November 18, 2011, the Plan became effective.

5 8. WHEREAS, among other parties, the Settling Builders, JPMorgan (solely in its
6 capacity as Administrative Agent), Inspirada Builders, LLC, South Edge (by Inspirada Builders
7 LLC) and the Alameda Liquidating Trust, as successor-in-interest to Alameda Investments, LLC,
8 are parties to the Settlement Agreement and Mutual Release of Claims dated as of November 8,
9 2011 (the “Alameda Settlement Agreement”), under which the parties thereto granted the mutual
10 releases provided for therein and agreed to consolidate and allow a single, \$56 million claim
11 against the Alameda Liquidating Trust in favor of South Edge.

12 9. WHEREAS, Alameda, due to the automatic stay in effect in its bankruptcy
13 proceeding, never answered or otherwise responded to the complaints filed against it in the UCC
14 Case and the Completion Guaranty Case.

15 **NOTICE OF DISMISSAL**

16 1. In accordance with the Plan, the Settlement Agreement, and the Alameda Settlement
17 Agreement, the UCC Case and Completion Guaranty Case filed against Alameda are dismissed
18 without prejudice pursuant to Rule 41(a)(1)(A)(i).

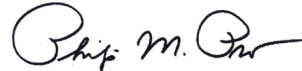
1 Dated: December 12, 2011

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19 IT IS SO ORDERED.

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21 

22
23 PHILIP M. PRO
24 UNITED STATES DISTRICT JUDGE

25 Dated: December 12, 2011.